

**Regulation #85: Nutrient Management Regulation for Colorado waters**

Agriculture is all about nutrient management – supplying the proper type and amount of nutrient to the animal or plant at the right time to maximize growth and yield. In June, 2012, the state Water Quality Control Commission (WQCC) approved Regulation 85 – a nutrient management control regulation that advocates voluntary controls of unregulated, nonpoint sources of pollution. Potential nonpoint sources of pollution include all agricultural land and smaller animal feeding operations. For comparative purposes, large concentrated animal feeding operations (CAFOs) and public wastewater treatment plans are regulated as point sources of pollution.

Regulation #85 encourages agricultural producers to voluntarily implement best management practices to reduce the amount of pollutants – such as nitrogen, phosphorus and sediment – that enter surface waters. It allows for a ten-year voluntary phase, with potential regulatory requirements after that if needed. To better understand current water quality conditions, the regulation also encourages voluntary water quality monitoring. The implementation of best management practices, public education measures, and nutrient management plans are encouraged as ways to control nonpoint sources.

Much of Regulation #85 deals with limiting pollutants in discharged water from wastewater treatment plants. More stringent effluent limits on discharged treatment plan water will result in improved water quality downstream of discharge points. Since agriculture represents a nonpoint – or diffuse – source of pollution, agricultural producers will be encouraged to develop and implement nutrient management plans. A nutrient management plan (NMP) includes information about soil and water resources associated with fields, as well as typical crops grown, yields, fertilization and pest management methods, and conservation practices. All nutrient sources, including soil reserves, fertilizer, manure, organic byproducts, and crop residues are accounted for in creating a nutrient budget for each field. Annual soil losses from wind and water erosion are also modeled for each field. Once the NMP is implemented, producers often find that it saves them money over time by identifying more cost-effective farming and conservation practices that reduce nutrient and soil losses, improve soil quality, and reduce fertilizer requirements.

The USDA – NRCS offers financial assistance to producers for the development of nutrient management plans. Plans are prepared by certified Technical Service Providers and include all elements required by the NRCS. Until now, livestock feeding operations have represented the majority of NMPs that have been developed, as CAFO operators are required to maintain and follow NMPs to stay compliant. However, crop and forage growers can also benefit from implementing nutrient management plans, and at the same time help protect water quality by minimizing nonpoint source pollution.

*Phil Brink, CEP, is the owner of BRINK, Inc., which provides environmental compliance assistance, including Nutrient Management Plans to the agricultural industry. He may be reached at 720-887-9944, or [phil@brinkinc.biz](mailto:phil@brinkinc.biz).*